

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

JEFFREY COOLIDGE,)	
)	
Plaintiff,)	
)	
v.)	Civil No. 2:07-CV-117
)	
MICHAEL J. ASTRUE,)	
Commissioner of Social Security,)	
)	
Defendant.)	

**STIPULATION FOR AUTHORIZATION OF
ATTORNEY'S FEES PURSUANT TO 42 U.S.C. § 406(b)**

WHEREAS, the parties desire to resolve the matter of entitlement to attorney's fees pursuant to 42 U.S.C § 406(b) without further time and expense, comes now Plaintiff's counsel, Francis M. Jackson, and the Defendant, the Commissioner of Social Security, who hereby stipulate and agree as follows:

1. The amount of the claimant's past-due benefit has been calculated. The total past-due benefit is \$54,398.00. Exhibit A.
2. On March 31, 2009, this Court awarded \$6,250.00 in attorney's fees under the Equal Access to Justice Act ("EAJA"). Exhibit B.
3. Pursuant to 42 U.S.C. § 406(b), an attorney who has successfully represented a claimant may receive a "reasonable fee" for his work in federal court, not to exceed 25% of the claimant's total past-due benefits. The parties agree that the payment of \$13,545.00 from Plaintiff's past-due benefits is a "reasonable fee" pursuant to 42 U.S.C. § 406(b), and provides for full settlement in satisfaction of any and all claims for attorney's fees Plaintiff or his counsel

may have pursuant to 42 U.S.C. § 406(b). The parties hereby agree to entry of an order authorizing such amount pursuant to 42 U.S.C. § 406(b).

4. Plaintiff's counsel agrees that after payment to counsel of \$13,545.00, counsel will remit to Plaintiff Jeffery Coolidge \$6,250.00, which is the amount already paid to counsel in EAJA fees.

5. The parties further recognize that pursuant to *Gisbrecht v. Barnhart*, 535 U.S. 789, 794-96 (2002), this Court ultimately has the responsibility to determine whether the agreed-upon fee is a "reasonable fee" under 42 U.S.C. § 406(b).

6. The Plaintiff and his counsel, and their heirs, executors, administrators, and/or assigns do hereby accept the payment set forth in paragraphs 3 and 4 in full release, settlement, and satisfaction of any and all claims, claims for attorney's fees and claims for reimbursement of costs or expenses, which they have or may have against the United States in this matter, including but not limited to counsel's request for stipulated fees pursuant to 42 U.S.C. § 406(b).

Dated at Burlington, in the District of Vermont, this 12th day of January, 2011.

MICHAEL J. ASTRUE
Commissioner of Social Security

TRISTRAM J. COFFIN
United States Attorney

By: /s/ Kevin J. Doyle
KEVIN J. DOYLE
Assistant United States Attorney
P.O. Box 570
Burlington, VT 05402
(802) 951-6725

Dated at Portland, in the District of Maine, this 12th day of January, 2011.

JEFFREY COOLIDGE,
Plaintiff

By: */s/ Francis M. Jackson*
FRANCIS M. JACKSON
Jackson & MacNichol
P.O. Box 17713
Portland, ME 04112
(207) 772-9000

CERTIFICATE OF SERVICE

I, Barbara Cotton, Legal Assistant for the United States Attorney's Office for the District of Vermont, certify that on January 12, 2011, I filed the **Stipulation For Authorization of Attorney's Fees Pursuant To 42 U.S.C. § 406(b)** with the Clerk of the Court. The CM/ECF system will provide service of such filing via Notice of Electronic Filing to the following party:

Francis M. Jackson, Esq.

Dated at Burlington, in the District of Vermont, this 12th day of January, 2011.

/s/ Barbara Cotton